

CALLISON TIGHE & ROBINSON, LLC

ATTORNEYS AT LAW

PALMETTO ARMORY OFFICE BUILDING

1812 LINCOLN STREET

SECOND FLOOR

COLUMBIA, SOUTH CAROLINA 29201

MICHAEL W. TIGHE
CERTIFIED ARBITRATOR
CERTIFIED MEDIATOR
RALPH C. ROBINSON, JR.
D. REECE WILLIAMS, III
LOUIS H. LANG
RICHARD C. DETWILER
NEKKI SHUTT
DEMETRI K. KOUTRAKOS
ANDREW C. ENGLISH, III
MARY DAMERON STUART
ALSO ADMITTED IN GEORGIA
MIKELL H. WYMAN
ALSO ADMITTED IN NORTH CAROLINA
ANITA E. ABERCROMBIE
JOSHUA O. C. LONON
JASON M. BOBERTZ
JENNIFER N. STONE

ACCEPTED	
Legal	205-305
173824	TELEPHONE (803) 256-2371
FACSIMILE (803) 256-6431	
POST OFFICE BOX 1390 ZIP CODE 29202-1390	
PRESTON H. CALLISON RETIRED	
WALLACE E. TIGHE (1914-1998)	
OF COUNSEL: G. HAROLD HANLIN DAVID L. EWING ALSO ADMITTED IN FLORIDA ARTHUR J. KEPES	

May 3, 2005

Writer's Email Address:
louislang@ctrlawfirm.com

VIA HAND DELIVERY

Mr. Charles L.A. Terreni
Chief Clerk / Administrator
South Carolina Public Service Commission
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Petition of the Office of Regulatory Staff to Request Forfeiture of the Piney Grove Utilities, Inc bond and to Request Authority to Petition the circuit Court for Appointment of a Receiver
Docket Number: 2005-110-W/S

Dear Mr. Terreni:

For your docket, please find enclosed the original and copy of the Motion for a Continuance and Motion to Server which was served on Benjamin P. Mustain with the Office of Regulatory Staff. Also, if you would please date stamp the extra copy enclosed and return it to me via our courier.

Please let me know if you have any questions.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



Louis H. Lang

LHL/amm
Enclosure

cc: Benjamin P. Mustian

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION
FOR THE STATE OF SOUTH CAROLINA

DOCKET NUMBER 2005-110-W/S-ORDER NO. 2005-210

In Re: Petition of the Office of Regulatory Staff to)
Request Forfeiture of the Piney Grove)
Utilities, Inc bond and to Request Authority)
to Petition the Circuit Court for)
Appointment of a Receiver)

SO ORDERED
2005 MAY -3 PM 12:12
PSC-210

MOTION FOR A CONTINUANCE AND MOTION TO SEVER

Piney Grove Utilities, Inc. (Piney Grove), pursuant to Rule 103-861, respectfully requests that the hearing in the above matter, presently set for May 26, 2005, be continued. Further, Piney Grove respectfully requests that the issues regarding forfeiture of the bond be considered separately.

This motion is based upon the following:

1. The petition of the Office of Regulatory Staff (ORS) was filed on April 22, 2005. The ORS petition raised, in essence, three issues - (1) concern regarding the immediate delivery by Piney Grove of wastewater treatment services to its customers in the Lloydwood subdivision located in Lexington County (short term issues); (2) a request by the ORS staff for Commission permission to petition the Court of Common Pleas for the appointment of a receiver for Piney Grove for its Lloydwood and Franklin Park wastewater treatment facilities (long term issues) and forfeiture of a performance bond.
2. The same day the ORS petition was filed, an action was filed by the Department of Health and Environmental Control (DHEC) in the Court of Common Pleas for

Lexington County (Circuit Court action), which raised similar if not identical matters as the short term issues raised in the ORS petition. A hearing in regard to the Circuit Court action was held on April 22, 2005, before the Honorable Marc H. Westbrook, who issued an order allowing DHEC to engage a licensed operator to operate the Lloydwood system in conjunction with the operator engaged by Piney Grove. The parties to the Circuit Court action have proceeded to operate the Lloydwood facility in accordance with Judge Westbrook's order with an additional hearing scheduled for Friday, May 6, 2005, to consider the status of the matters raised in the Circuit Court action.

3. The Order scheduling the hearing in the above matter was entered April 26, 2005, and was apparently hand delivered to the office of the undersigned that same day. The Order sets May 26, 2005, as the date for an evidentiary hearing in regard to all the issues raised in the petition, exactly 30 days from the date the Order was entered. The Order also sets May 12, 2005, as the date for prefilng testimony and exhibits by ORS and May 19, 2005, as the deadline for the filing of responsive testimony and exhibits. In addition, hand-delivered to the undersigned's office yesterday (May 2, 2005) was a copy of the ORS staff's "First Continuing Data Requests," which purport to require a response within ten days.
4. Piney Grove has been the subject of DHEC enforcement actions since 1992. It has been the subject of numerous consent and administrative orders since that time, and it has been the Defendant in now two circuit court actions involving DHEC, one of which went to the South Carolina Court of Appeals, where the decision of the Circuit

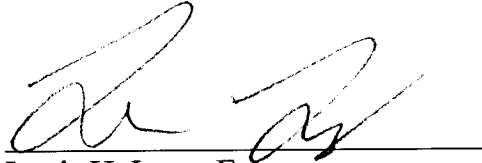
Judge granting DHEC summary judgment was reversed.

5. The undersigned will not have sufficient time to adequately prepare to meet the issues raised by the ORS petition by May 26, 2005. In fact, an answer or other response to the petition is not due, in accordance with Rule 103-841(c)(2), until May 23, 2005, barely three days prior to the scheduled hearing. In addition, the undersigned will not have sufficient time to adequately prepare prefiled testimony and exhibits by May 19, 2005, or respond to ORS staff's discovery requests within the time designated. Piney Grove would respectfully submit that it is simply unfair to compel it to respond to the assertions set out in the ORS petition with exactly 30 days notice and no more. To require it then to submit prefiled testimony and exhibits in less than 30 days compounds that unfairness.
6. Piney Grove would submit that the short term issues raised in the ORS petition have been and continue to be addressed by it and DHEC in the Circuit Court action. The long term issues raised by the ORS petition need to be and should be addressed by this Commission. However, Piney Grove would respectfully submit that because the short term issues are being addressed in the Circuit Court action, it is unnecessary for this Commission to address those issues as well as the long term issues in the compressed time frame set forth in this Commission's April 26, 2005, Order.
7. Accordingly, Piney Grove would respectfully request a continuance of the May 26, 2005, which would result in an extension of the prefiling and discovery deadlines as well.
8. In regard to the forfeiture issues, the bond in question appears to be executed by two

individuals, neither of whom are parties, as yet, to this action. Piney Grove would respectfully submit that both should be parties and, again, given the compressed time frame thus far required by the Commission, neither will have adequate time to prepare and respond appropriately. Further, while some of the issues regarding the bond are related to the short term issues, Piney Grove would respectfully submit that a great many may not be. Accordingly, it would appear appropriate to sever the bond issues from the other issues directly involving Piney Grove set forth in the petition.

Based upon the foregoing, Piney Grove would respectfully request that the hearing scheduled for May 26, 2005, be continued and that the issues regarding forfeiture of the bond be severed from consideration with the short and long term issues raised by the petition.

CALLISON TIGHE & ROBINSON, LLC

A handwritten signature in black ink, appearing to read 'Louis H. Lang', is written over a horizontal line.

Louis H. Lang, Esq.
1812 Lincoln Street, Suite 200
Post Office Box 1390
Columbia, SC 29202-1390
Telephone: (803) 256-2371
Facsimile: (803) 256-6431

Attorneys for Piney Grove Utilities, Inc.

Columbia, South Carolina
May 3, 2005

ORIGINAL

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2005-110-W/S

May 3, 2005

RECEIVED
2005 MAY -3 PM 12:12
SO. CAROLINA
COM. & UTIL.

IN RE: Petition of the Office of Regulatory)
Staff to Request Forfeiture of the)
Piney Grove Utilities, Inc. Bond)
And to Request Authority To)
Petition the Circuit Court for)
Appointment of a Receiver)

CERTIFICATE OF SERVICE

This is to certify that I, Ami Meetze, an employee with Callison Tighe & Robinson, LLC, have this date served one (1) copy of the **Motion for a Continuance and Motion to Server** in the above-referenced matter to the person(s) named below by causing said copy to be hand delivered to the following:

Benjamin P. Mustian
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201



Ami Meetze

May 3, 2005
Columbia, South Carolina